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ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PENGAD 800-631-6989
EXHIBIT

UNITED STATES OF AMERICA

CRIMINAL NO. CR-10-20403

vs.

HONORABLE NANCY G. EDMUNDS

D-4 VICTOR M. MERCADO,

VIOLATION: 18 U.S.C. § 371

Defendant.
_______________________________/

FILED
NOV 05 2012
CLERK'S OFFICE
DETROIT

FIFTH SUPERSEDING INFORMATION

The United States Attorney charges that:

18 U.S.C. § 371
Conspiracy to Commit Offenses Against the United States

D-1 VICTOR M. MERCADO

1. From in or about July 2002 and continuing through about June 2008, in the Eastern District of Michigan, Southern Division, defendant VICTOR M. MERCADO did unlawfully, knowingly, and willfully combine, conspire, confederate, and agree with other individuals to commit offenses against the United States, that is, to violate Title 18, United States Code, Section 1951, extortion.

2. The manner and means by which the co-conspirators sought to accomplish the conspiracy, included, among other things:

a. From June 2002 through June 2008, MERCADO was the Director of the City of Detroit Water and Sewerage Department (DWSD). In that position, MERCADO reported to the Mayor of Detroit, Kwame Kilpatrick. From January 2002 through January 2006, Kwame Kilpatrick was the Special Administrator over the DWSD.

b. Kwame Kilpatrick used his position as the Mayor of Detroit and Special Administrator of DWSD to pressure city contractors– who submitted proposals to or were awarded contracts by DWSD– to give subcontracts or payments obtained under those contracts to Bobby Ferguson, or risk having their contracts delayed, awarded to competitors, or cancelled, resulting in economic harm.

c. MERCADO, at the direction of Kilpatrick and his associates, took steps to help Ferguson receive a large portion of contracts, subcontracts or payments for DWSD business.

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, the defendant committed the following overt act, among others, in the Eastern District of Michigan:

3. On February 1, 2007, Victor Mercado told an official with a city contractor that Mayor Kwame Kilpatrick would award them a particular DWSD contract if they took on Bobby Ferguson as a partner.

4. The transactions identified in Paragraph 2 involved and affected interstate commerce.

All in violation of Title 18, United States Code, Section 371.

BARBARA L. MCQUADE
United States Attorney

MARK CHUTKOW
Assistant United States Attorney
Chief, Public Corruption Unit

R. MICHAEL BULLOTTA
Assistant United States Attorney

JENNIFER BLACKWELL
Assistant United States Attorney

ERIC DOEH
Assistant United States Attorney

Date: November 5, 2012

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number 10-CR-20403

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Reassignment/Recusal Information This matter was opened in the USAO prior to August 15, 2008 [Yes]

Companion Case Information	Companion Case Numbers: U.S. v. Karl Kado 08-CR-20418; Hon. Marianne O. Battani U.S. v. James Rosendall, Jr., 09-CR-20025; Hon. Avern Cohn
This may be a companion case based upon **LCrR 57.10 (b)(4)**[1]:	
■ Yes ☐ No	AUSA's Initials: RMB

Case Title: USA v. D-4 VICTOR M. MERCADO

County where offense occurred : Wayne

Check One: ■ Felony ☐ Misdemeanor ☐ Petty

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____Indictment/____Information --- **no** prior complaint.
____Indictment/____Information --- based upon prior complaint [Case number:]
X **Information based upon** LCrR 57.10 (d) ***[Complete Superseding section below].***

Superseding Case Information

Superseding to Case No: 10-CR-20403 **Judge:** NANCY G. EDMUNDS

☐ Original case was terminated; no additional charges or defendants.
☐ Corrects errors; no additional charges or defendants.
■ **Involves, for plea purposes, different charges or adds counts.**
☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name	Charges	Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

November 5, 2012
Date

R. MICHAEL BULLOTTA
Assistant United States Attorney
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[1] Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.

10/13/09